

REMARKS

Claims 1-18 are pending. Claim 11 has been withdrawn. Examination of the pending claims is respectfully requested.

I. RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Claims 1-18 were subjected to a restriction requirement under 35 U.S.C. § 121 as follows: A1. Fig. 16 and A2. Fig. 18.

Claims 1-10 and 12-18 are provisionally elected with traverse as species A1 without prejudice.

The Office Action states that this application contains claims directed to patentably distinct species of the claims invention: A1 represented by Fig. 16 and A2 represented by Fig. 18. Applicants respectfully disagree and request reconsideration of this restriction requirement. The claims 1-18 are not directed to two distinct species. Fig. 16 and Fig. 18 are merely provided as examples of fabricated core memory cells A1 and A2. In fact claims 1-10 and 12-18 are generic to both Fig. 16 and Fig. 18. It is noted that Fig. 18 depicts an example of a memory cell fabricated in accordance with claim 11.

Fig. 16 is a diagram of a core memory cell 1600 and can be fabricated by the method of Fig. 1. (Page 11, lines 19-21). The memory cell 1600 is fabricated with a U-shaped channel 1638 that extends from one source/drain region 612 to another. (Page 11, lines 22-31).

Fig. 18 is a diagram of a core memory cell 1800 and can also be *fabricated by the method of Fig. 1*. (Page 14, lines 1-4). The memory cell is fabricated with a U-shaped channel 1638 that extends from one source/drain region 612 to another. (Page 14, lines 14-17). Additionally, the memory cell 1800 includes a gap 1840, not shown in Fig. 16, which separates the nitride layer 1024 into an upper and lower portion. (Page 14, lines 10-14).

It is noted *that the gap 1840 shown in Fig. 18 is different than the gap regions of*, for example, claims 1-18. Fig. 8 shows gaps 820 formed at block 108 of the method

100 that are examples of the gap regions in the claims. (Page 9, lines 27-31). The gaps 1840 depicted in Fig. 18 are simply formed with the charge trapping material deposited in two separate steps with, for example, an oxidation process in between. (Page 15, lines 29-31). It is noted that claim 11, which depends from claim 1, includes such a limitation.

As shown above, claims 1, 13, and 16 are generic to both of the species A1 and A2 identified by the Office Action. Accordingly, it is respectfully requested that this restriction be reconsidered.

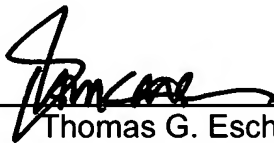
II. CONCLUSION

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 01-0365, FASP101US.

Respectfully submitted,

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: November 23, 2005


Christine Gillroy